

CLOSED

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

SEAN BROOKS, :  
Plaintiff, : Civil No. 09-3110 (NLH)  
v. :  
CITY OF ATLANTIC CITY DEPT. :  
OF POLICE, :  
Defendants. :  
:

---

**ORDER**

For the reasons expressed in the Opinion filed herewith,  
IT IS on this 20<sup>TH</sup> day of July, 2009,  
ORDERED that Plaintiff's application to proceed in forma  
pauperis is hereby granted and the Clerk shall file the Complaint  
without prepayment of the filing fee; and it is further

ORDERED that the Complaint is dismissed for failure to state  
a claim upon which relief may be granted, without prejudice to  
the filing of an amended complaint, within 30 days of the date of  
the entry of this Order, stating a cognizable Fourth Amendment  
claim; and it is further

ORDERED that, if Plaintiff files an amended complaint within  
30 days of the date of the entry of this Order, then the Court  
will enter an order reopening the file in order to screen the  
amended complaint for dismissal; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b), the Clerk  
shall forward a copy of this Order by regular mail to the  
Attorney General of the State of New Jersey and the warden of  
Atlantic County Jail; and it is further

ORDERED that Plaintiff is assessed a filing fee of \$350.00 which shall be deducted from his prison account pursuant to 28 U.S.C. § 1915(b) (2) in the manner set forth below; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b) (1) (A), Plaintiff is assessed an initial partial filing fee equal to 20% of the average monthly deposits to the Plaintiff's prison account for the six month period immediately preceding the filing of the Complaint; when funds exist, the agency having custody of Plaintiff shall deduct said initial fee from Plaintiff's prison account and forward it to the Clerk; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b) (2), until the \$350.00 filing fee is paid, each subsequent month that the amount in Plaintiff's prison account exceeds \$10.00, the agency having custody of Plaintiff shall assess, deduct from the Plaintiff's account, and forward to the Clerk payments equal to 20% of the preceding month's income credited to Plaintiff's prison account, with each payment referencing the docket number of this action; and it is finally

ORDERED that the Clerk shall serve this Order and the accompanying Opinion upon Plaintiff, together with a blank prisoner civil rights complaint form, and shall close the file.

/s/ NOEL L. HILLMAN  
**NOEL L. HILLMAN, U.S.D.J.**

At Camden, New Jersey